

REMARKS

Please reconsider this application in view of the following remarks. Applicant thanks the Examiner for the courteously granted interview of June 29, 2004.

- Claims 2-4, 8, 10, 12-14, and 16-26 are pending.
- Claims 2-4, 10, 12, and 18-20 are rejected.
- Claims 8, 13, 14, 16, 17, and 21-23 are withdrawn from consideration.
- Claim 1 is canceled.
- Claims 24, 25, and 26 are newly added.

Claim 10 has been reformatted.

Claim 24 contains the subject matter of Claim 1 plus the limitation that the first region also contains a polymer, as recited.

Claim 25 is Claim 1 reformatted.

Drawings

Applicant has attached a drawing, as requested, and has amended the specification to recite a drawing description.

Art rejections

As discussed in the interview, Fearnot does not appear to teach a polymer combined with an active agent. This element now appears in the following claims: 2, 3, 4, 12, 24, and 26.

For this reason, these claims are allowable over Fearnot, as discussed during the interview.

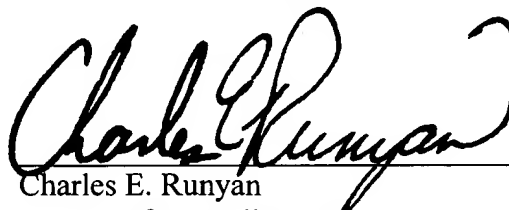
Claim 25 recites a method requiring the insertion of a device. The inserted device has a particular configuration, as recited. Fearnot does not teach this configuration. The situation is analogous to treating a patient by inserting an intravenous device. If one invention uses a metallic catheter, it would not necessarily anticipate a plastic catheter.

Fearnot does not insert the same device as is recited in Claim 25. Therefore, Claim 25 is allowable over Fearnot.

Claim 10 recites a variety of active agents some of which are selected for the first layer and some that are selected for the second layer. Applicant has invented using the selection criteria recited in the claim. Fearnot does not teach such a selection criteria. In fact, Fearnot uses a different selection criteria—Fearnot selects a more soluble active agent under a less soluble active agent. This is enough to establish the patentability of the claim.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,


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